

REGULAR MEETING AND PUBLIC HEARING
OF THE FALLS CHURCH PLANNING COMMISSION
August 3, 2009
Council Chamber

1. CALL TO ORDER: Chair Lawrence called the meeting to order at 7:52 p.m. with everyone present.

2. ROLL CALL:

Members Present:

Ms. Hockenbery
Mr. Kearney
Mr. Lawrence
Mr. Meeks
Ms. Rodgers
Ms. Teates
Mr. Wodiska

Administrative Staff Present:

Ms. Cotellessa,
General Manager of
Development Services
and Planning Director

3. ADOPTION OF AGENDA:

Ms. Hockenberry moved, and Ms. Rodgers seconded, to adopt the agenda.

Upon voice vote, the motion passed unanimously.

4. PLANNING COMMISSIONER REPORTS:

Ms. Teates attended the grand opening of Flippin' Pizza and thought it was one of the best grand openings she had ever been to.

Ms. Rodgers said she would not give a report on the Zoning Committee because it would be discussed later.

Chair Lawrence said he had read an article in the National Geographic on green technology and green ways of thinking which included a bus stop in San Francisco with a green roof which he sent to Ms. Cotellessa.

Ms. Cotellessa thanked Chair Lawrence for passing that on to her. After some research, she discovered there is an architects' group that is heavily involved and she found different examples, not only of green roofs but solar roofs and other types of things Falls Church could possibly be doing on its bus shelters. If they didn't do a WAMATA-standard shelter, Falls Church would have to provide maintenance. She thought there definitely were possibilities to be explored if Falls Church was looking to make a statement and be a green community. Ms. Rodgers also thought it was a great idea.

In response to a query from Mr. Wodiska on how many bus shelters there were in Falls Church, Ms. Cotellessa didn't know how many currently there were, but if they were going to get new ones, she thought it would be a good idea to look at these as replacements. The architects' study group said they were putting the green roofs on and then were putting a poster inside the shelter that talked about green roofs and their efficacy in residential and commercial buildings. She opined this could also be a great educational project as well.

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5. RECEIPT OF PETITIONS: None.

6. PLANNING DIRECTOR'S REPORT:

Ms. Cotellessa related the monthly report showed the status of a few projects. She wished to draw attention to three additional things.

There was a recommendation last month to the Board of Zoning Appeals on a Special Use Permit that went to the Board of Zoning Appeals. On a technical issue, the Board was concerned that the advertisement for the SUP action stated it was a renewal when in fact it had expired and it was a new application. They remanded it to the next meeting and would not be hearing that until their next meeting when it's readvertised; however she was not bringing it back to the Planning Commission because in the Planning Commission documents it very clearly stated that it had expired and that everybody understood it was a continuing project.

Part of the idea of the original advertisement was so people wouldn't think it was something new because it had been continuing, but technically it was a new application. Therefore the BZA would be hearing it at their next meeting with the Planning Commission's recommendation.

The Virginia Tech studio class which supplied a presentation on Falls Church and an Arts and Cultural District, would be providing a draft for a studio class this fall. They will look at the Comprehensive Plan language for several areas of the City and look at examples of good projects in other areas and bring to the Planning Commission a potential project for the eastern entrance to the community near BJ's and Eden Center. They're going to make Falls Church their focus in the fall and perhaps even in the spring.

Ms. Cotellessa also noted there were staffing issues and two members of staff were out for long term outages. Ms. Block Sanford was out until the middle of October. She would be the one taking the lead on the Comprehensive Plan which will be pushed back to November. While Ms. Block Sanford was out, Ms. Cotellessa had been handling the George transmission drops, redoing fare boxes, and putting up new schedules. The CACT project, which had asked Planning to do traffic calming along Lincoln Avenue, would be shepardized by Ms. Cotellessa until Ms. Block Sanford came back.

Also, Ms. Perry, who prepared this evening's staff report, was taking medical leave for the next 6 to 8 weeks. Ms. Cotellessa wanted the planning commissioners to understand the staffing situation because it had influenced what the current schedule looked like.

Chair Lawrence noted the commissioners would not be meeting again in August.

Ms. Cotellessa said one of the two things before the commissioners was an outline that was given to the City Council which were preliminary rankings on the Falls Church Housing Corporation project. The actual final rankings would take place Wednesday, August 5, 2009, and there would be information provided once that had occurred.

There was a draft meeting schedule and Ms. Cotellessa wanted to make sure all the dates were noted because some of them were Tuesdays instead of Mondays. The ones in italics were not regular meeting nights. Under Old Business they would talk about the National Community Planning month. At the second meeting in September there will be a joint worksession with the City Council on the zoning ordinance

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rewrite.

There were several items on the agenda for the first meeting in September. Generally when they begin the Comp Plan process and the CIP process, they would meld into this other applications coming back as well as the zoning ordinance project.

Ms. Hockenberry inquired if there was any information when BJs would break ground. Ms. Cotellessa replied the expectation was on the 10th or 15th of this month, August 2009. They were waiting for a couple of state permits.

Ms. Teates wanted to mention if the project didn't start in a couple of weeks, they needed to go in and cut the weeds down because it was really overgrown and looking like an eye sore. She suggested putting a sign up saying "Construction Coming."

Ms. Cotellessa was in the middle of doing a minor site plan amendment for BJs. Because of VDOT's desire for a particular line of sight, BJs had to dedicate to the City an additional one foot across the frontage which triggered a whole site plan amendment. She had been through the whole process and in doing that she sent letters to 200 people that said, as required, that the lot line was being moved, and notifying the people around there that they expected to begin construction on or about the middle of the month. So they were aware that would be coming.

Ms. Rodgers inquired if the Special Use permit for the drive-through bank for the next meeting was the location of the Chicken Out. Ms. Cotellessa concurred it's at the location of the old Chicken Out and that building would be demolished and a new building would be put up.

Chair Lawrence asked if they would have any worksessions involved with that. Ms. Cotellessa replied this was a recommendation to the BZA on the drive-through and after they get through with the drive-through, then it comes back to the Planning Commission for site plan and then they would look at all aspects of the site plan.

Chair Lawrence thought the previous application regarding the Sunoco involved a worksession and the process seemed to include several meetings and not only one.

Ms. Cotellessa said if the planning commissioners needed more time, they could certainly continue it to obtain further information.

7. OLD BUSINESS:

Ms. Cotellessa wanted to talk about the National Community Planning Month celebration. She looked at other examples of what other jurisdictions had done and had spoken to Mark Gibb, executive director of the Northern Virginia Regional Commission. He thought the Regional Commission would be willing to sponsor this and would be willing to contact and pull in other planning commission jurisdictions. He also thought he could obtain a venue such as Meadowlark Garden for a Meet and Greet event.

Ms. Cotellessa thought a Meet and Greet could include everybody putting out examples of their Comp Plan and zoning ordinances. They could see what all the people in Northern Virginia were doing. After the Meet and Greet, they could discuss where they might want to go from there and whether to have a continuing dialogue with some or all of these people.

City Councils and staffs have opportunities to meet at the regional and the COG

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level. It has not always been successful in getting the planning commissions involved and they were excited about this potential. The Northern Virginia Regional Commission was willing to put out a lot of news releases. City Council's agenda included a proclamation to celebrate National Community Planning Month and the Regional Commission said they would also issue a similar proclamation and would ask their regional districts to also issue one.

This year's theme is sustainability and since sustainability doesn't end at borders, she thought this might be a really good year to do this. If this met with approval from the Planning Commission, to have the Regional Commission, help and take the lead on this, it would be great. She asked for concurrence from the Planning Commission on moving forward with that.

Chair Lawrence was 100 percent in favor and thought it was a great idea.

Ms. Hockenberry asked if there would be the ability to have COG involvement. Ms. Cotellessa said there was a brief discussion and Mr. Gibb was open to that. The problem was as a Planning Commission they were bound by Virginia enabling legislation which is very different than what Maryland and D.C. has. She thought from a Planning Commission perspective, it might be helpful to talk to people in a similar situation to start with and maybe in another year they could broaden it.

Ms. Teates also thought it was a great idea and it would be great to have help since the Planning staff was down two people currently.

8. NEW BUSINESS:

A. Subdivision 20090471, 215 South Lee Street. The proposal is to reduce the size of the lot by approximately 5,000 square feet and to consolidate that 5,000 square feet with three parcels that comprise City parkland, known as the Hamlett/Rees Tract. Additionally, public access to the Hamlett/Rees Tract will be provided via an eight-foot trail easement on the property located at 215 South Lee Street. The residential property will contain 13,299 square feet and the combined one parcel parkland will contain 187,356 square feet.

Preliminary and Final Approval

Ms. Cotellessa presented the staff report.

The property in question is located at 215 South Lee Street, adjacent to a city park which is called informally the Hamlett/Rees Tract. It had not yet gotten a formal name.

What this application does is proposes to subdivide about 5000 square feet of land from 215 South Lee Street and consolidate it with the remaining parcels that comprise the park behind it.

In addition, an easement is being provided. The City owns 215 South Lee, and is providing this easement to itself for access to this park. The tract currently has 4.2 acres. It's a narrow tract of land. This will give the City the connectivity that it needs to go from Broad Street all the way back through the park.

The plat had been reviewed along with the easement documents which were being revised to add some language that would allow the City on its easement through this tract to potentially put a fence if the owner didn't put one. The owner right now was going to put a fence but a future owner might say "I don't like the fence", and

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want to pull it down. It needed to be revised to add a fence or the possibility of a small sign at the trail head.

Ms. Cotellessa was looking to revise that language and was asking for the Planning Commission's approval subject to those things occurring. It's consistent with both the Comprehensive Plan and the Parks Master Plan. One of the goals of the Comp Plan is to find these pieces of connectivity and add to these parks.

No comment from the public had been received on this application.

There is a purchaser for this property who is due to settle in the near future who was ready to move in. They needed to get this subdivided and move on with that.

Ms. Cotellessa noted General Manager Howard Herman was present to answer any questions the commissioners might have.

Chair Lawrence asked if this was the property when first presented to the commissioners that someone had suggested the City might have the right of first refusal if it was sold again.

Ms. Cotellessa said that was not in the current documents as she was aware. Right now the City owned the property. This property was encumbered before it sold with a pretty solid easement and that was a pretty good catch for the City in this. What they were doing is recovering the money that the City paid to get the property. The City is getting a piece of parkland in the back and an easement and recovering a large part of what the City put out for the property and it's a win-win situation for everyone. The person who ended up with the winning bid for this property is someone who's very much into parkland and supportive of this access. She thought they were very fortunate that was the case.

Mr. Kearney asked Ms. Cotellessa knew why this was an easement instead of a fee simple carve out. Ms. Cotellessa explained the house on that side would not meet the setbacks and they were trying to maintain the setback relationship.

Mr. Wodiska asked Ms. Cotellessa to go over the drawings before the commissioners took a vote on it so he could understand exactly the change in the borders.

Ms. Cotellessa asked Mr. Herman to come up and help with the explanation of the documents.

Ms. Cotellessa related the larger document was the existing conditions and the smaller document was the proposed subdivision.

Mr. Herman explained at the bottom of Lot 18 B, "New property line hereby created," it showed in a dotted line the new property line which ends up with the City picking up about 4,000 square feet of the parcel. This parcel would become a trail that would lead from Broad Street down to T.J. Elementary School. Shown on the upper left portion of the property line was the 8 foot easement which will allow access from Lee Street back to this connector trail. It will end up with a little over 13,000 square feet, which is shown as an L shape around the left side of the property.

Mr. Wodiska asked if the new formal path anticipated would come back through the new area.

Mr. Herman agreed and said the very rear portion of that property would go across

there. The fence would go along the easement portion. The fence separating the existing lot from the park will be moved to the new boundary line and the new homeowner has agreed to pay for the easement fence, which is the side fence along the easement. There will be language in the easement that will stipulate should the owner at some point in time decide they don't want that fence, the City has the right to put a fence up.

Mr. Wodiska inquired if a fence was going up where the property line was being created. Mr. Herman replied that was correct. The City was going to move the existing chain link up and there could be an upgrade for that. If there was an upgrade, the new owner would be paying it.

Mr. Herman also confirmed the fact that it was always the responsibility of the owners to maintain their fences. Mr. Wodiska noted there were many fences there that back to that area on both sides and they were all of different quality, shape, and condition. Mr. Wodiska inquired if part of the plan at some point was to create a more substantial barrier between those houses.

Mr. Herman replied the discussion had not taken place yet but the Advisory Board for Rec and Parks could take that up as a master plan for the park and certainly they could take a look at that and make a recommendation. He noted it would come with a rather significant cost.

Ms. Hockenberry related the City also picked up the piece of property next door to that.

Mr. Herman confirmed that was true regarding 217 Lee Street, the City had picked up the back corner.

Ms. Hockenberry said they could now delineate it and have the trail totally marked back to Thomas Jefferson Elementary. Mr. Herman said he anticipated coming back to the Planning Commission within the next six months with a site plan for the park.

Mr. Meeks asked if that site plan increased the size of the park with additional acquisition. Mr. Herman responded that he hoped so and they were looking at other properties adjacent to the property.

Mr. Meeks asked where the 8 feet came from because he thought that part of the master plan was ten feet.

Mr. Herman explained it was cut to 8 feet because at 10 feet it was too close to the house and would have been an unreasonable burden on the homeowner and probably a deal breaker.

Mr. Meeks asked if this language with modifications to the easement language were approved, if it was just on the signage and on the fence. There had been discussion about the parking on South Lee and he asked if that should be addressed.

Mr. Herman thought they couldn't address it on 215 South Lee Street and it was the City's view that this would be a walk-to or bike-to park, especially when the trail gets in. They thought it would encourage people to walk and bike rather than drive to and get to the park in that fashion. The hope and the Master Plan is for this to be a walk-to and bike-to park and that the trail will make it just that. They didn't anticipate a need for additional parking or any parking really.

Ms. Rodgers asked if the proposed trail that goes to the Hamlett and TJ connect with a trail already there. Mr. Herman said there was a trail that runs from Oak

Street over to Sherrow and dead ends at Sherrow and also dead ends at Oak. He would be working more with the pedestrian trail committee as it gets formed, but the hope from the Rec and Park's perspective was at some point in time that will go all the way through Cavalier Park and connect to Maple, and on the other side it would connect with Berman Park along the Boy Scout property and go through there. That was a long term plan and there was significant costs associated with that.

Ms. Rodgers was trying to remember that area of Thomas Jefferson and asked if that is something that is used for fields. Mr. Herman replied the area they were talking about is on what would be the north side of the stream, Tripps Run, south side of Tripps Run were the fields. The trail is on the north side and is really not part of the school campus.

Ms. Teates explained there was actually a trail there called the Regan Stream trail which was currently mulched and separate from the playground.

Mr. Wodiska inquired on the sales price which Mr. Herman said was \$550,000. The City paid \$629,000 and was retaining approximately 5000 square feet of the property either through outright retention or the easement. Mr. Herman noted we're in a different economic climate than a couple of years ago. The money would go back to the Open Space Fund and there was hope that would trigger some additional purchases to help this park and other parks.

Mr. Herman said this was a win-win because the City was gaining what it wanted in terms of access and trail use and putting this back on the tax roles and it makes the neighborhood happy.

The commissioners had discussion on the wording of the motion to be put forward regarding the easement language reflecting maximum allowable signage on South Lee and giving the City the ability to fence the easement.

Chair Lawrence asked if the City had that right any way, Mr. Meeks responded they did not in the existing language. Mr. Herman said this kind of crossed the last T and gave the City a little more leverage in the event a new owner were to purchase that property and remove the fence that the previous owner put up, the City would have a right to put a fence back up. The City did not have that by right now in the easement.

Chair Lawrence asked if that language would help the City which Mr. Herman said it would.

After further discussion on the exact language to be used in the motion, Mr. Kearney inquired if they needed to describe the type of fence and get into that level of detail.

Ms. Cotellessa related as to the current contract, the homeowner was putting the fence on his property. If the homeowner decided to put a 2 foot chain link fence, the City could erect an 8 foot privacy fence on their side of the easement, if they wanted. Mr. Kearney was concerned if later they had an unfriendly buyer, would the City have some sort of recourse.

Ms. Cotellessa said that would give the City recourse to put on the City's side of the easement whatever fence and signage they wanted. Ms. Cotellessa suggested the language "a provision for fencing and signage at the City's option" be added to the motion.

Mr. Kearney pointed out it was not the City's property but an easement and the homeowner controlled the fee simple right to that property. He was concerned that they don't run foul of the agreement.

Ms. Cotellessa suggested that saying the City can do at its option fencing and signage, they were covered. Mr. Kearney didn't want to get into a situation where the homeowner thought they had the right to approve the design or sign size or location of the fencing.

Ms. Cotellessa suggested wording it "At the City's sole option."

MOTION: Mr. Meeks moved, and Ms. Hockenberry seconded, that the Planning Commission give preliminary and final approval of Subdivision Application 20090471 subject to staff administrative review and confirmation that all legally required signatures have been obtained, that the deed of the easement be amended to include provisions for fencing and signage at the City's sole option as approved by the City attorney, and that such plat shall be brought to the Chair of the Planning Commission for signature.

Upon roll call vote, the motion passed unanimously.

B. COMPREHENSIVE PLAN UPDATE
Discussion only

Ms. Cotellessa noted the Comp Plan schedule would be starting in mid November with the same for the Zoning Ordinance Update. A joint worksession is scheduled with the City Council and the Planning Commission for the 21st of September. It was expected at that point to hopefully have all three modules ready to go out to the public.

C. ZONING ORDINANCE REWRITE PROJECT UPDATE
Discussion only

Ms. Cotellessa related the biggest topic under discussion at the Zoning Ordinance Advisory Committee was the nonconforming lots issue. Ms. Cotellessa proclaimed the last ZOAC meeting had been very productive. The GIS system produced mapping of lots on two sets of maps, and parcels on two sets of maps, a parcel that might contain more than one lot, and looking at them from the context of the current zoning of the two zoning districts: 11,250 square feet, 7500 square feet.

The scenario was looked at of what would happen if they reduced one to a 10,000 square foot minimum and the other one to 6000 square foot minimum and what did it do to the maps. Ms. Cotellessa said it wiped out a whole series of nonconformities and left a few areas that were clearly different and where new zoning might be considered.

The idea was to make as many properties conforming as possible in the first place. When the original maps were looked at, as many as a third to a half of the City's properties might be non-conforming. That number could be reduced through a

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comprehensive rework of the zoning.

Another discussion is what to do about the adjoining lots. All of the past history and past determinations were pulled up. The consultant is vetting through his Richmond law firm some angles other communities have taken so we can determine what Falls Church can do in creating a series of options.

Ms. Cotellessa said they were giving back to the consultant a second volume and basically getting rid of errors right now. Module One has come back to the committee from the consultant who removed about 75 pages so it's not nearly as cumbersome. They have begun creating an administrative manual which will be a good commercial development guide. Staff was putting together great forms and documents which will inform the public on how to move through this.

Ms. Cotellessa said the process has been a little bit slower than they might have expected but it's an extremely difficult, tedious process. They were hoping at the September 21st meeting to bring all the volumes ready for the public and to condense it to maybe five primary commercial and five primary residential issues: What are the issues that change in this and what are the policy questions to be faced.

Ms. Rodgers noticed there was another agenda item on that Monday and asked how long that would be because she thought the worksession would take a long time.

Ms. Cotellessa explained it involved a development that was done without rear decks. It was from the 70s with a brick patio and garden wall concept. In the community there are probably half a dozen or a dozen second floor decks. The applicants came in and applied for a deck but the site plan didn't call for decks, number one, and number two, the houses are set 37 feet from the rear lot line and there is a 40 foot setback limitation. The issues are not only the variance but how does the second floor deck affect the nature of the community. There are people in the community that are not happy about changing to a deck scenario versus the garden wall scenario.

Applicants are trying to do the right thing and bring it in. What is trying to be done through the Zoning Ordinance is if there was a homeowners' association, they could come in and do a site plan amendment for a typical deck to avoid each individual person coming in. In this particular case there is no homeowners' association.

Ms. Cotellessa noted the commissioners would have a chance to see the setback variance and to ask questions at the meeting. If that variance is approved, it will just be a site plan approval and she expected it would be pro forma. Chair Lawrence added unless the BZA approved it, it would never come back.

Chair Lawrence asked if they should try to do the site plan before the worksession because if it was going to be a long worksession, he didn't think anybody should wait until 11:30 or 12 o'clock to discuss a site plan amendment.

Chair Lawrence suggested 6:45, and as long as they had a quorum, they could get going.

After further discussion regarding scheduling, it was agreed to have the regular meeting at 6:45 and 7:30 for the worksession.

Ms. Hockenberry inquired if all the property issues had been resolved between the

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group of townhouses on North Maple and properties on Little Falls Street. Ms. Cotellessa didn't know but would be interested in hearing what that was about.

Mr. Wodiska asked if the first time the Planning Commission would see the zoning rewrite documents would be at the meeting and if a preliminary copy would be made available on line. He preferred to see something before the meeting.

Ms. Cotellessa said part of it depended on what the interaction was between the Zoning Ordinance Committee and the consultant. Whatever was in hand that has gone to the consultants, been fixed up, and come back will be provided ahead of time. At that point it will probably be ready to go on line. It's not been put on line right now because of editing. For example, it might be a good idea for some communities but doesn't work with Virginia law.

Chair Lawrence asked if they received all three modules before the worksession, would they become public documents. Ms. Cotellessa said that was correct but she didn't know if they would have the final third module. She expected they would get a summary document first that showed all of the things talked about with major changes in the document and what some of the big policy discussions were. Module One and Module Two were expected to be back but she was not sure about Module Three. She wanted it to be more substantial and it was time to get things out in the community. She expected the commissioners to have a couple of modules.

Chair Lawrence wondered if something came out and businesses and others wanted to look at it, should the Planning Commission plan ahead for public meetings.

Ms. Cotellessa said there would be planning for those meetings thereafter. They were going out and soliciting input. They had already been to the Chamber of Commerce. She expected when the documents were ready, there would be a recommendation from ZOAC on which way to go on all of these policy discussion issues and they'll be presenting their findings to the City Council who will then say all right, take this to the Planning Commission and take this out to the community, which would be the normal process.

Chair Lawrence asked if the order was ZOAC's recommendation to Council, and Council sending it to the Planning Commission, and the Planning Commission to do the public hearing.

Ms. Cotellessa said she expected the consultant to be with them through that process and will be at the early public meetings to answer questions as well.

In response to Chair Lawrence's inquiry when the next ZOAC meeting was, although Ms. Cotellessa didn't know the exact date, she said it would be two weeks from last Thursday or Wednesday. They alternate Wednesdays and Thursdays but it would be a week from either Wednesday or Thursday.

9. **OTHER BUSINESS:** None.

10. **APPROVAL OF MINUTES:** July 6, 2009

MOTION: Ms. Rodgers moved, and Ms. Teates seconded, to adopt the minutes as amended.

Upon unanimous voice vote, the minutes were approved as amended.

Chair Lawrence noted the next meeting will be Tuesday, September 8th.

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11. ADJOURNMENT:

Ms. Teates moved, and Ms. seconded to adjourn.

Upon voice vote, the meeting was adjourned at 8:47 p.m.

Respectfully Submitted, Noted and Approved:

Ann Hieber
Recording Secretary

Suzanne Cotellessa, AICP
Planning Director

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